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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2011-786

EILEEN MICHELE ANDERSON, AKA
Eileen M. Anderson
25 Crest Street, Unit 107
Westwood, NJ 07675
Registered Nurse License No. 657607

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

RESPONDENT

FINDINGS OF FACT

1. On or about March 18, 2011, Complainant Louise R. Bailey, M.Ed.,RN, in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Accusation No. 2011-786, against Eileen Michele Anderson, aka Eileen M. Anderson (Respondent) before the Board of Registered Nursing. (Accusation attached as Exhibit A.)

2. On or about May 13, 2005, the Board of Registered Nursing (Board) issued Registered Nurse License No. 657607 to Respondent. The Registered Nurse License expired on October 31, 2008, and has not been renewed.

3. On or about March 18, 2011, the Respondent was served by Certified and First Class Mail copies of the Accusation No. 2011-786, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record which, pursuant to Business and Professions Code section 136 and Title 16 California Code of Regulations section 1409.1, is required to be reported and maintained with the Board, which was and is:

25 Crest Street, Unit 107

Westwood, NJ 07675

4. Service of the Accusation was effective as a matter of law under the provisions of

1 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
2 124.

3 5. On or about April 1, 2011, the First Class Mail was returned to our office marked
4 "Not Deliverable as Addressed-Unable to Forward". On or about April 5, 2011, the Certified
5 Mail was returned to our office marked "Not Deliverable as Addressed-Unable to Forward".

6 6. Respondent failed to maintain an updated address with the Board and the Board has
7 made attempts to serve the Respondent at the address on file. Respondent has not made herself
8 available for service, and therefore, has not availed herself of her right to file and notice of
9 defense and appear at a hearing.

10 7. Business and Professions Code section 2764 states:

11 The lapsing or suspension of a license by operation of law or by order or decision of
12 the board or a court of law, or the voluntary surrender of a license by a licensee shall not deprive
13 the board of jurisdiction to proceed with an investigation of or action or disciplinary proceeding
14 against such license, or to render a decision suspending or revoking such license.

15 8. Government Code section 11506 states, in pertinent part:

16 (c) The respondent shall be entitled to a hearing on the merits if the respondent files a
17 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation
18 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's
19 right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

20 9. Respondent failed to file a Notice of Defense within 15 days after service upon her of
21 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2011-
22 786.

23 10. California Government Code section 11520 states, in pertinent part:

24 (a) If the respondent either fails to file a notice of defense or to appear at the hearing, the
25 agency may take action based upon the respondent's express admissions or upon other evidence
26 and affidavits may be used as evidence without any notice to respondent.

27 11. Pursuant to its authority under Government Code section 11520, the Board after
28 having reviewed the proof of service dated, March 18, 2011, finds Respondent is in default. The

1 Board will take action without further hearing and, based on Accusation No. 2011-786 and the
2 documents contained in the Default Decision Investigatory Evidence Packet which includes:
3 Exhibit 1 – Pleadings offered for jurisdictional purposes; Exhibit 2 – License History
4 Certification for Eileen Michele Anderson, aka Eileen M. Anderson, Registered Nurse License
5 No. 657607; Exhibit 3 – State of New Jersey Department of Law & Public Safety Division of
6 Consumer Affairs State Board of Nursing, Final Consent Order, In the Matter of the Suspension
7 or Revocation of the License of: Eileen Michele Anderson, R.N. License No. NO090163, To
8 Practice As a Nurse in the State of New Jersey, dated June 20, 2007; Exhibit 4 - Affidavit of
9 Shannon Silberling; Exhibit 5 – Declaration of costs by Office of the Attorney General for
10 Prosecution of Case No. 2011-786, and finds that the charges and allegations in Accusation No.
11 2011-786 are separately and severally true and correct by clear and convincing evidence.

12 12. Taking official notice of the Declaration of costs by the Office of the Attorney
13 General contained in the Default Decision Investigatory Evidence Packet, pursuant to Business
14 and Professions Code section 125.3, it is hereby determined that the reasonable costs for
15 Investigation and Enforcement in connection with the Accusation are \$532.50, as of April 5,
16 2011.

17 DETERMINATION OF ISSUES

18 1. Based on the foregoing findings of fact, Respondent Eileen Michele Anderson, aka
19 Eileen M. Anderson has subjected the following licenses to discipline:

- 20 a. Registered Nurse License No. 657607
- 21 2. The agency has jurisdiction to adjudicate this case by default.
- 22 3. The Board of Registered Nursing is authorized to revoke Respondent's Registered
23 Nurse License based upon the following violations alleged in the Accusation, which are
24 supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this
25 case.

- 26 a. Violation of Business and Professions Code section 2761(a)(4) - Disciplinary
27 action by another State Board of Nursing.

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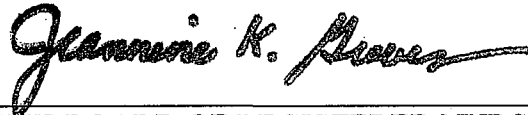
ORDER

IT IS SO ORDERED that Registered Nurse License No. 657607, heretofore issued to Respondent Eileen Michele Anderson, aka Eileen M. Anderson, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on July 6, 2011.

It is so ORDERED June 6, 2011



FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

Attachment:

Exhibit A: Accusation No. 2011-786

Exhibit A

Accusation No. 2011-786

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 SUSANA A. GONZALES
Deputy Attorney General
4 State Bar No. 253027
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2221
Facsimile: (510) 622-2270
7 *Attorneys for Complainant*

8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. *2011-786*

12 **EILEEN MICHELE ANDERSON, a.k.a.**
13 **EILEEN M. ANDERSON**
25 Crest Street, Unit 107
14 Westwood, NJ 07675
Registered Nurse License No. 657607

ACCUSATION

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about May 13, 2005, the Board of Registered Nursing issued Registered Nurse
23 License Number 657607 to Eileen Michele Anderson, also known as Eileen M. Anderson
24 (Respondent). The Registered Nurse License expired on October 31, 2008, and has not been
25 renewed.
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1 DRUGS

2 8. "Morphine" is a phenanthrene-derivative agonist and the principal alkaloid of opium.
3 It is a powerful analgesic used to relieve severe and acute pain or moderate to severe chronic
4 pain. It is also used for preoperative sedation or as a supplement to anesthesia. It is a Schedule II
5 controlled substance as designated by Health and Safety Code section 11055, subdivision
6 (b)(1)(M), and a dangerous drug within the meaning of Code section 4022.

7 COST RECOVERY

8 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
9 administrative law judge to direct a licentiate found to have committed a violation or violations of
10 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
11 enforcement of the case.

12 CAUSE FOR DISCIPLINE

13 (Unprofessional Conduct – Out of State Discipline)
14 (Bus. & Prof. Code § 2761, subd. (a)(4))

15 10. Respondent has subjected her registered nurse license to disciplinary action
16 under Code section 2761, subdivision (a)(4), in that on or about June 20, 2007, in a disciplinary
17 action before the New Jersey State Board of Nursing (New Jersey Board), the New Jersey Board
18 entered a Final Consent Order (Order), suspending Respondent's New Jersey registered nurse
19 license for two years. Respondent received six months of credit for the period of time that she
20 had voluntarily surrendered her license. The New Jersey Board stayed the suspension of
21 Respondent's license pending successful completion of probation under various terms and
22 conditions. The Order required Respondent to: (1) obey all laws; (2) refrain from the use of any
23 and all potentially addictive substances except as prescribed by an authorized health care
24 practitioner; (3) enroll in and comply with the terms and conditions of continued participation in
25 the Recovery And Monitoring Program (RAMP); (4) attend regular 12-step support groups or the
26 equivalent, and nurse peer support group meetings, as required by RAMP; (5) attend individual
27 counseling until successful discharge, as required by RAMP; (6) submit to random and observed
28 urine testing for Cannabinoids (THC metabolites), Amphetamines, Opiates, Barbiturates,

1 Benzodiazepines, Cocaine, and alcohol as required by RAMP; (7) work only in a New Jersey
2 Board-approved non-clinical or structured clinical setting; (8) work only in a setting where she
3 does not have access to or responsibilities for administering, dispensing, or ordering potentially
4 addictive substances; (9) not work for a nursing registry, a traveling nurse agency, private duty, a
5 nursing float pool, home health agency, temporary employment agency, or any other practice
6 setting in which nursing supervision is unavailable; (10) not work as a nursing supervisor; (11)
7 not work more than 12 hours within any 24 hour period, or more than 40 hours per week; (12)
8 provide the New Jersey Board with written notification of the address of each place of nursing
9 employment, the name of the designated employer and supervisor, the name and type of unit
10 assignment, and the shift and hours assignment per week; (13) obtain the approval of the New
11 Jersey Board prior to commencing any new employment as a registered nurse; (14) immediately
12 inform each employer representative and nursing supervisor of the terms of the Order and provide
13 them a copy of the Order and the RAMP contract; and (15) carefully and scrupulously adhere to
14 any and all health care facility and agency policy or procedures and adhere to the accepted
15 standards of nursing care;

16 11. The underlying conduct supporting the New Jersey Board's disciplinary action is that
17 from on or about September 6, 2006, until on or about September 21, 2006, while Respondent
18 was employed with Phoenix Health Care Agency and assigned to the Emergency Department at
19 Barnert Hospital, Respondent withdrew Morphine without a physician's order and without
20 accounting for the administration or wastage of the Morphine. Respondent admitted that she
21 misappropriated injectable Morphine from the facility for her own use from on or about March
22 2006, through on or about December 2006. Upon request, Respondent voluntarily surrendered
23 her New Jersey registered nurse license on or about December 7, 2006, pending further action.
24 Respondent entered drug rehabilitation.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 657607, issued to Eileen Michele Anderson, also known as Eileen M. Anderson;

2. Ordering Eileen Michele Anderson, also known as Eileen M. Anderson to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED

March 18, 2011

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Executive Officer

Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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